

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Court File No. _____

Kristin Pett,

Plaintiff,

vs.

NOTICE OF REMOVAL

Costco Wholesale Corporation,

Defendant.

TO: PLAINTIFF ABOVE-NAMED AND HER ATTORNEYS, MICHAEL TEWKSBURY AND KYLE S. WILLEMS, TEWKSBURY & KERFELD, P.A., 88 SOUTH 10TH STREET, SUITE 300, MINNEAPOLIS, MINNESOTA 55403.

COSTCO WHOLESALE CORPORATION, FOR ITS NOTICE OF REMOVAL,
STATES:

1. Costco Wholesale Corporation is the Defendant in a civil action brought against it in the District Court for Hennepin County, State of Minnesota, entitled *Kristin Pett v. Costco Wholesale Corporation*, a copy of the Summons and Complaint served upon Defendant in such action is attached hereto as **Exhibits A and B**. No further proceedings have been had therein.

2. The above-described action is a civil action of which this Court has original jurisdiction under the provisions of 28 U.S.C. § 1332, and is one which may be removed to this District Court by the Defendant pursuant to the provisions of 28 U.S.C. § 1441, in that it is a civil action wherein the amount in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs and is between citizens of different states.

3. Plaintiff's Complaint seeks damages in excess of \$50,000.00.

4. Plaintiff alleges that, as a result of an accident that occurred at the Costco Warehouse located in Eden Prairie, Minnesota, Plaintiff Kristin Pett sustained "permanent injury; she has in the past and will in the future incur medical expenses to treat the injuries sustained; she has in the past and will in the future incur wage loss and diminution of her earning capacity; she has in the past and will in the future experience pain, disability, and embarrassment, and emotional distress." In correspondence to Defendant, Plaintiff's counsel has represented and provided some backup documentation to demonstrate that Plaintiff has incurred over \$38,000.00 in medical expenses.

5. As a result of the accident, Plaintiff alleges to have sustained "Weber C fracture of right ankle." The fracture required open reduction and internal fixation involving the installation of medical hardware in Plaintiff's right leg.

6. Finally, Plaintiff has demanded \$150,000.00 to settle her claims against the Defendant.

7. Plaintiff resides in and is a citizen of the State of Minnesota.

8. Defendant Costco Wholesale Corporation is not a citizen of the State of Minnesota, wherein this action was brought, but was at the time this action was commenced, and still is, a corporation organized and existing under the laws of the State of Delaware with its principal place of business in Issaquah, Washington.

9. Defendant Costco Wholesale Corporation desires to, and hereby does, remove this action from District Court, County of Hennepin, State of Minnesota, to this United States District Court for the District of Minnesota, within which District said action is pending.

10. The Notice of Removal is filed in this Court within thirty (30) days after receipt by Defendant, through service of process or otherwise, a copy of the initial pleadings setting forth the claim for relief on which this action is based.

11. Written notice of the filing of this Notice of Removal has been given to all adverse parties and a copy of the same has been filed with the Clerk of District Court of Hennepin County, Minnesota.

WHEREFORE, Defendant prays that this action be removed from District Court, Hennepin County, State of Minnesota, to this Honorable Court.

BASSFORD REMELE
A Professional Association

Dated: <u>January 9, 2018</u>	By <u>s/Andrew L. Marshall</u> Andrew L. Marshall (#176849) Attorneys for Defendant Costco Wholesale Corporation 100 South Fifth Street, Suite 1500 Minneapolis, Minnesota 55402-1254 Tele: (612) 333-3000 Fax: (612) 333-8829 <u>amarshall@bassford.com</u>
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